

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 09-CR-230

-vs-

HARRY C. GLINBERG,

Defendant.

DECISION AND ORDER

Before the Court is Magistrate Judge Gorence's Recommendation that defendant, Harry C. Glinberg's ("Glinberg") motion to suppress evidence be denied and that his motion that statements made in connection with his arrest and prosecution be granted in part and denied in part.

The Court has read the defendant's objections to the Recommendation and the government's responses and rules as follows.

The Court adopts the Recommendation of Magistrate Judge Gorence denying Glinberg's motion to suppress evidence.

The Court rejects the Recommendation as it relates to the motion to suppress statements in so far as the Recommendation suppresses any of the statements made. In this regard, the facts and the law allow the Court to agree with the government that Glinberg voluntarily initiated the conversation with the police that led in turn to Glinberg making the challenged statements. Any questions asked by the police in this context did not rise to the

level of interrogatories proscribed by the Fifth Amendment. Further, Glinberg's Sixth Amendment rights were not implicated.

NOW, THEREFORE, BASED ON THE FOREGOING, the Court **ADOPTS IN PART** the Recommendation [60].

1. The defendant's Motion to Suppress Evidence [21] is **DENIED**;
2. The defendant's Motion to Suppress Statements [25] is **DENIED**.

Dated at Milwaukee, Wisconsin, this 13th day of January, 2011.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
U.S. District Judge